

AMENDED IN SENATE JANUARY 20, 2000

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 871

Introduced by Senator Escutia

February 25, 1999

An act to add Section 52122.2 to the Education Code, relating to class size reduction.

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as amended, Escutia. Class Size Reduction Program: Montebello Unified School District.

Existing law establishes the Class Size Reduction Program to provide funding to school districts to reduce class size in kindergarten and grades 1 to 3, inclusive, to not more than 20 pupils per certificated teacher.

Existing law establishes 2 options under which a school district may apply to the Superintendent of Public Instruction for funds from the program. Under Option One, a school district that provides a reduced class size for all pupils in each classroom for the full regular schoolday for each grade level may receive an apportionment equal to \$800 per pupil. Under Option Two, a school district that provides a reduced class size for all pupils in each classroom for at least $\frac{1}{2}$ of the instructional minutes offered per day at each grade level may receive an apportionment equal to \$400 per pupil.

Existing law permits a school district applying to implement the program in the 1998–99 school year to request that a portion of the maximum operating funds for which the district

would be eligible if the district met the requirements of Option One be used for facilities-related costs necessary for the establishment of new classes.

This bill would authorize the Montebello Unified School District, in applying to implement the Class Size Reduction Program in additional classes in the 2001–02 and 2002–03 school year, to request that a portion of the maximum operating funds for which the school district would be eligible if fully reducing class size in kindergarten and grades 1 to 3, inclusive, be used for facilities-related costs necessary for new classes established under the Class Size Reduction Program beyond those established in the previous school year.

Existing law provides that facilities funding received by a school district is considered a loan to the school district. Under existing law, a school district that meets the requirements of Option One and satisfies all requirements to receive the funds in the 1997–98 school year is not required to repay the loan.

This bill would provide that an impacted school district that satisfies the requirements of Option One for at least ~~3 of the 4 grades participating in the Class Size Reduction Program~~ 95% of all pupils for which it received funding for the facilities related cost of class size reduction, and satisfies the requirements of ~~Option One or Option Two for the remaining participating grade pupils for which the district received funding~~, by July 1, 2003, would not be required to repay the loan.

The bill would make legislative findings and declarations as to the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52122.2 is added to the
2 Education Code, to read:
3 52122.2. (a) The Montebello Unified School District,
4 in applying to implement the Class Size Reduction
5 Program in additional classes in the 2001–02 or 2002–03
6 school year, may request that a portion of the maximum
7 operating funds for which the school district would be



1 eligible if fully reducing class size in kindergarten and in
2 grades 1 to 3, inclusive, pursuant to subparagraph (A) of
3 paragraph (2) of subdivision (b) of Section 52122, be used
4 for facilities-related costs necessary for new classes
5 established under this program beyond those established
6 in the previous school year.

7 (b) An application made pursuant to this section, the
8 form of which shall be developed by the Superintendent
9 of Public Instruction not later than February 1, 2001, shall
10 be submitted by the Montebello Unified School District
11 if it elects to apply for funding pursuant to this section.
12 The district shall submit its application for the 2001–02
13 school year by April 1, 2001, and its application for the
14 2002–03 school year not later than 90 days after the
15 Budget Act for each of those years is chaptered.

16 (c) The school district requesting funds shall certify
17 the following:

18 (1) In 1998–99, the school district received or was
19 eligible to receive funding for the Class Size Reduction
20 Program established pursuant to Chapter 19
21 (commencing with Section 17200) of Part 10.

22 (2) The school district will use any funds received
23 pursuant to this section solely for the purpose of class size
24 reduction facilities for pupils attending an impacted
25 schoolsite or on land acquired to house pupils attending
26 an impacted schoolsite.

27 (3) For purposes of this section, an impacted schoolsite
28 means a schoolsite that has more than 150 pupils per acre,
29 is not adjacent to an attendance area, as defined in
30 Section 17041, and that has available classroom space for
31 pupils in kindergarten and grades 1 to 6, inclusive.

32 (d) (1) The school district requesting funds for
33 facilities pursuant to this section is eligible to receive
34 funding equal to the per pupil amount established
35 pursuant to Section 42263, as adjusted by the State
36 Allocation Board as of the effective date of the act adding
37 this section. The school district may spend these funds for
38 any facilities-related costs of class size reduction,
39 including land acquisition and development. This

1 funding shall be in addition to any funding allocated for
2 site acquisition.

3 (2) The maximum amount of funds the school district
4 may receive for both operation funds, pursuant to
5 subparagraphs (A) and (B) of paragraph (2) of
6 subdivision (b) of Section 52122, and facility funds,
7 including funds for site acquisition and development,
8 provided by this section, is limited to the number of pupils
9 in kindergarten and grades 1 to 3, inclusive, multiplied by
10 the Option One stipend specified in Section 52126. The
11 maximum net usable land area that may be acquired
12 pursuant to this section shall not exceed 59 square feet per
13 pupil eligible for funding pursuant to this paragraph.

14 (3) The maximum apportionment for facilities-related
15 costs available to a school district under this section shall
16 be calculated as follows:

17 (A) Multiply the district's certified enrollment in
18 kindergarten and grades 1 to 3, inclusive, as of October of
19 the previous school year by the per pupil stipend
20 established in subdivision (a) of Section 52126.

21 (B) Subtract from the amount determined in
22 subparagraph (A) the product of the number of pupils
23 the district certifies will be in a class that satisfies the
24 provisions of subparagraph (A) of paragraph (2) of
25 subdivision (b) of Section 52122 during the school year in
26 which an application is made pursuant to this section
27 times the per pupil stipend for the school year in which
28 an application is made pursuant to this section as set forth
29 in subdivisions (a) and (c) of Section 52126.

30 (C) Subtract from the amount determined in
31 subparagraph (B) the product of the number of pupils
32 the district certifies will be in a class that satisfies
33 subparagraph (B) of paragraph (2) of subdivision (b) of
34 Section 52122 during the school year in which an
35 application is made pursuant to this section times the per
36 pupil stipend for the school year in which an application
37 is made pursuant to this section as set forth in subdivisions
38 (b) and (d) of Section 52126.

39 (D) Pupils in classes for which Option One funding is
40 received pursuant to Sections 52122.6, 52122.7, and



52122.8 shall be considered to be receiving Option One funding for purposes of this section. Nothing in this section shall allow a school district to receive funding for a pupil or class pursuant to this section in addition to receiving funding for a pupil or class pursuant to Sections 52122.6, 52122.7, and 52122.8.

(4) If, by June 30 of the second calendar year of the school year or by a later date specified in a statute, the State Department of Education determines that the school district was eligible to receive facilities grants in excess of the number of facilities grants actually received in the 2001–02 or 2002–03 school year, the department may award additional grants to the school district, to the extent that the funds are available for this purpose. To determine if funds are available to the school district for this purpose, the department shall use the calculations in subparagraphs (A) to (C), inclusive, of paragraph (3), but adjusted for actual implementation of the Class Size Reduction Program and yearend enrollment.

(e) The funds allocated pursuant to this section shall be considered to be a loan to the school district receiving the funds. The following loan repayment provisions shall apply to all allocations made pursuant to this section:

(1) If the school district has satisfied the following requirements by July 1, 2003, for all eligible pupils for which it received facilities funding pursuant to this section, as determined by the State Department of Education, the school district shall not be required to repay the loan:

~~(A) The school district has satisfied the requirements of subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122 for all pupils in at least three of the four grade levels to which the Class Size Reduction Program applies.~~

~~(B) The school district has satisfied the requirements of subparagraph (A) or subparagraph (B) of paragraph (2) of subdivision (b) of Section 52122 for all pupils in the remaining grade level to which the Class Size Reduction Program applies.~~

1 (A) *The school district has satisfied the requirements*
2 *of subparagraph (A) of paragraph (2) of subdivision (b)*
3 *of Section 52122 for at least 95 percent of all pupils for*
4 *which it received funding for the facilities related cost of*
5 *class size reduction under this section.*

6 (B) *The school district has satisfied the requirements*
7 *of subparagraph (B) of paragraph (2) of subdivision (b)*
8 *of Section 52122 for all remaining pupils for which the*
9 *district received funding under this section.*

10 (2) If a school district receives funding pursuant to this
11 section, but has not satisfied the requirements of
12 paragraph (1) for all pupils for which it received facilities
13 funds, the Superintendent of Public Instruction shall
14 notify the Controller and school district in writing, and
15 the Controller shall deduct an amount equal to the
16 portion of the total loan amount, including interest at the
17 Pooled Money Investment Account rate, received by the
18 school district under this subdivision for the pupils that
19 the school district failed to place in class size reduction
20 settings pursuant to the provisions of subparagraphs (A)
21 and (B) of paragraph (2) of subdivision (b) of Section
22 52122, from the school district's next principal
23 apportionment or apportionments of state funds to the
24 school district, other than basic aid apportionments
25 required by Section 6 of Article IX of the California
26 Constitution.

27 (f) Funds allocated to a school district pursuant to this
28 section shall be expended solely for the purposes of land
29 acquisition and facilities-related costs associated with the
30 implementation of the Class Size Reduction Program
31 contained in this chapter.

32 (g) Funds shall not be allocated to a school district
33 pursuant to this section for the purpose of assisting in
34 implementing Option Two, as set forth in subparagraph
35 (B) of paragraph (2) of subdivision (b) of Section 52122.

36 (h) Nothing in this section shall be construed as
37 precluding school districts from fully implementing class
38 size reduction in kindergarten and grades 1 to 3, inclusive.

39 (i) It is the intent of the Legislature that, for each new
40 teaching station a school district establishes for the

1 purpose of class size reduction for which the school
2 district did not receive a facilities grant under this section
3 or any previous appropriation for this purpose, the school
4 district shall be eligible for facilities funding from any
5 state general obligation bond measure approved for that
6 purpose.

7 SEC. 2. The Legislature finds and declares that a
8 special law is necessary and that a general law cannot be
9 made applicable within the meaning of Section 16 of
10 Article IV of the California Constitution as a result of the
11 unique circumstances surrounding the Montebello
12 Unified School District.

